

REMARKS

By this Amendment, Applicant amends claims 1, 5, 6, 12, 13, 16, 17, 21, 22, 28, and 29. Applicant cancels claims 7-11, 14, 15, and 23-27 without prejudice or disclaimer of the subject matter thereof. Applicant also adds claim 30 to address other aspects of the present invention. Upon entry of this Amendment, claims 1-6, 12, 13, 16-22, and 28-30 will be pending.

In the final Office Action, the Examiner objected to claim 12 because of an informality; rejected claims 1-13 and 16-29 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2002/0166049 to Sinn (hereinafter "Sinn"); and rejected claims 14 and 15 under 35 U.S.C. § 102(a) as anticipated by Wohlmacher, Digital Certificates: a Survey of Revocation Methods (hereinafter "Wohlmacher"). Applicant respectfully traverses the Examiner's rejections.

Regarding Claim Objections

In the Amendment After Final filed on July 15, 2004, Applicant amended claim 12 to correct the informality pointed out by the Examiner. Accordingly, Applicant respectfully requests withdrawal of the objection to claim 12.

Regarding the Rejections Under 35 U.S.C. § 102

Applicant respectfully traverses the Examiner's rejection of claims 1-13 and 16-29 under 35 U.S.C. § 102(e) as anticipated by Sinn. To anticipate Applicant's claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claims 1 and 17, as amended, recite combinations including, for example, “receiving, at the OCSP responder, an OCSP request associated with a digital certificate generated by the server,” and “sending, by the OCSP responder, the Lightweight Directory Access Protocol database query to the certificate database associated with the certificate authority to determine whether the digital certificate is valid.” Sinn fails to disclose at least either “receiving, at the OCSP responder, an OCSP request associated with a digital certificate generated by the server,” or “sending, by the OCSP responder, the Lightweight Directory Access Protocol database query to the certificate database associated with the certificate authority to determine whether the digital certificate is valid,” as required by amended claims 1 and 17.

Sinn teaches a system for obtaining and maintaining real time certificate status. “Identity Server 40 retrieves real time status for a certificate (step 3400). Identity Server 40 retrieves the status from Certificate Authority 2084 using a real time protocol. One example of a real time protocol is the well known OCSP protocol identified above.” Sinn, FIGs. 52, 59A, para. [0393]. “Identity Server 40 stores the retrieved certificate status in Directory Server 36 (step 3402).” Sinn, FIGs. 50, 59A, para. [0394]. “If a real time status check is required, Identity System 40 retrieves the requested certificate’s real time status from Certificate Authority 2084,” and “[i]f real time status checking was not required (step 3424), Identity Server 40 retrieves previously obtained real time status that is stored in the Identity System for the certificate (step 3458).” Sinn, FIGs. 52, 59B, paras. [0397], [0401].

However, the fact that Identity Server 40 (element 2072) in Sinn retrieves a real time status from a certificate authority does not constitute a teaching of “receiving, at the

OCSP responder, an OCSP request associated with a digital certificate generated by the server.” (emphasis added). Moreover, Directory Server 36 (element 36) in Sinn only locally stores status information obtained by the Identity Server. Thus, in Sinn Directory Server 36 does not necessitate “sending, by the OCSP responder, the Lightweight Directory Access Protocol database query to the certificate database associated with the certificate authority to determine whether the digital certificate is valid.” (emphasis added).

Therefore, Sinn fails to disclose each and every element of Applicant’s invention recited in amended claims 1 and 17, either expressly or inherently. Thus, Sinn cannot anticipate amended claims 1 and 17 under 35 U.S.C. § 102(e). Applicant respectfully requests withdrawal of the rejection of claims 1 and 17. Since claims 2-4 and 18-20 depend on claims 1 and 17, respectively, Applicant also requests withdrawal of the rejection of claims 2-4 and 18-20 for at least the same reasons stated above.

Further, independent claims 12, 13, 16, 28, and 29, while of different scope, recite similar language as claims 1 and 17, claims 12, 13, 16, 28 and 29 are therefore allowable at least for reasons discussed above as regard to claims 1 and 17. Applicant respectfully requests withdrawal of rejection of claims 12, 13, 16, 28, and 29.

Claims 5 and 21, as amended, recite combinations including, for example, “maintaining a database of valid digital certificates.” Sinn fails to disclose at least “maintaining a database of valid digital certificates,” as required by amended claims 5 and 21.

As explained above, Sinn teaches “Identity Server 40 stores the retrieved certificate status in Directory Server 36 (step 3402).” Sinn, FIGs. 50, 59A, para. [0394].

"If real time status checking was not required (step 3424), Identity Server 40 retrieves previously obtained real time status that is stored in the Identity System for the certificate (step 3458)." Sinn, FIGs. 52, 59B, para. [0401]. Therefore, Directory Server 36 stores status information that is retrieved by Identity Server and is not "real time status." Thus, Sinn does not teach "maintaining a database of valid digital certificates," as required by amended claims 5 and 21.

Therefore, Sinn fails to disclose each and every element of Applicant's invention recited in amended claims 5 and 21, either expressly or inherently. Thus, Sinn cannot anticipate amended claims 5 and 21 under 35 U.S.C. § 102(e). Applicant respectfully requests withdrawal of the rejection of claims 5 and 21. Since claims 6 and 22 depend on claims 5 and 21, respectively, Applicant also requests withdrawal of the rejection of claims 6 and 22 for at least the same reasons stated above.

Since claims 7-11, 14, 15, and 23-27 have been canceled, the rejections of claims 7-11, 14, 15, and 23-27 are therefore moot.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 14, 2004

By: 
Wenye Tan
Reg. No. 55,662